IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 339 OF 2007
IN
CRIMINAL APPEAL NO. 738 OF 2005

R.S.A. Builders ..Applicants
Vs.
The State of Maharashtra and ors. ..Respondents

Mr.M.S. Karnik i/by Mr. Rajendra Rathod for applicants.
Mr. M.S. Mohite with Mr. C.K. Pendse for respondent - original complainant.
Mr. D.P. Adsule, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : September 06, 2007.

P.C.:

1. Heard Mr. Karnik the learned counsel for the applicants.

2. This application prays for directions to remove attachment/seal put on the property situated at D-6/10, Vasant Vihar, New Delhi on deposit of Rs.2 crores within 12 weeks so that the applicants-builders could proceed to dispose off the subject property. Mr. Mohite the learned counsel appearing for the original complainant has referred to the order passed

by this court on 30/3/2007 and submitted that the application is not bona fide and during the pendency of the appeal such an application should not be entertained. The learned counsel for the applicants has referred to the order dated 25/1/2005 passed by the M.P.I.D. Court for Gr. Mumbai in Special Case No.15 of 2001 and submitted that on the applicants depositing an amount of Rs.2 crores, the trial court had accepted to consider the request of the applicants to release entire attachment of property. If that be so, nothing prevents the applicants from approaching the M.P.I.D. Court for Gr.Mumbai and pray for vacating the attachment order on deposit of Rs.2 crores thereby allowing the applicants to dispose off the subject property.

3. Hence, the application is disposed with liberty to the applicants to approach the M.P.I.D. Court for Gr. Mumbai. This order is without prejudice to the rights and contentions of the respective parties.

(B.H. Marlapalle,J.)